

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODNEY J. MORACZEWSKI,

Defendant.

4:12CR3112

MEMORANDUM AND ORDER

Defendant has moved to continue the status conference for further scheduling of this case to trial, (filing no. 23), because the parties are currently engaged in plea discussions. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 23), is granted.
- 2) A status conference to discuss further scheduling of this case will be held at 11:00 a.m. on January 23, 2013 before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- 3) The defendant, defense counsel, and counsel for the government shall attend.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and January 23, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Moreover, this case remains "unusual and complex," and continues to be exempted from the time restrictions of the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(B)(ii) because it would be unreasonable for the court to require counsel and the parties to be ready for trial within the time limits of the Act.

December 19, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge